

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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11/24/08

TROY WRIGHT,

Plaintiff,

-v-

NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES, *et al*,

Defendants.

No. 06 Civ. 3400 (RJS) (THK)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

Plaintiff *pro se* Troy Wright (“Wright”), an inmate at Green Haven Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 against, *inter alia*, the New York State Department of Correctional Services (“DOCS”), former Commissioner of Correctional Services Glenn S. Goord, former Superintendent William Phillips, and numerous other DOCS officials and doctors.¹ On October 10, 2008, Judge Katz issued a Report and Recommendation (“Report”) recommending that summary judgment be granted as to the moving Defendants and that the Complaint be dismissed with prejudice as to all Defendants. In the Report, Judge Katz advised the parties that failure to file timely objections within ten days from service of the Report would constitute a waiver of those objections. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). By letter dated October 17, 2008, Plaintiff requested an extension of time to serve his objections. By order dated October 27, 2008, the Court extended Plaintiff’s time to file

¹ This action was originally reassigned from the Honorable Richard C. Casey, District Judge, to the Honorable Kenneth M. Karas, District Judge, on May 17, 2007. It was reassigned to the undersigned on September 4, 2007. The case was referred to the Honorable Theodore H. Katz, Magistrate Judge, on June 28, 2006 for general pretrial purposes and motions requiring a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B) - (C) and Rule 72.1(d) of the Southern District of New York Local Civil Rules.

objections until November 17, 2008. Neither party has filed objections to the Report, and the time to do so has expired. *Cf. Frank v. Johnson*, 968 F.2d 298 (2d Cir. 1993).

When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). After conducting a thorough review of the record, the Court finds that Judge Katz's well-reasoned and persuasive Report is not facially erroneous. Accordingly, for the reasons set forth in the Report, the Court orders that summary judgment be granted as to the moving Defendants and that the Complaint be dismissed with prejudice as to all Defendants. The Clerk of Court shall enter judgment accordingly, and this case shall be closed.

SO ORDERED.

Dated: November 24, 2008
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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